

From: Justin Hall
To: 'microsoft.atr(a)usdoj.gov'
Date: 1/23/02 9:01am
Subject: Microsoft Settlement

I'd like to add my comments about the proposed settlement in the Microsoft antitrust case.

It doesn't seem to me that the proposed remedy does anything about Microsoft taking retaliatory action against OEM's - on the contrary, it seems that it encourages it. In Section III.A.2, Microsoft is allowed to retaliate against any OEM that ships Personal Computers containing a competing Operating System but no Microsoft operating system. Section III.B. requires Microsoft to license Windows on uniform terms and at published prices to some of the larger OEM's but doesn't do anything to prevent them from taking retaliatory measures against smaller ones. The retaliatory measures are what kept OEM's from being able to place other programs along with Microsoft's on their machines in the first place, and if Microsoft is permitted to continue in these practices, they are still leveraging their monopoly power in a destructive way.

Please reconsider the Proposed Final Judgement. It doesn't do everything that it could and leaves the potential for harm a possibility.

Regards,

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